

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

WILLIE JONES,

Plaintiff,

V.

DANIELLE UNKNOWN, et. al.,

Defendants.

CASE NO. 4:07CV3031

MEMORANDUM AND ORDER

This matter is before the court on the Plaintiff's Motion for Status and Notice of Change of Address. (Filing No. 22). The court previously considered the Plaintiff's Application for Leave to Proceed in Forma Pauperis ("IFP") filed while the Plaintiff was a prisoner. (Filing No. 4). The Plaintiff has filed a notice of change of address indicating that the Plaintiff has since been released from custody. A former prisoner, like the Plaintiff, who is released from custody after filing a civil complaint must, when ordered to do so, file an application for leave to proceed IFP based on the changed circumstances caused by release from prison. If IFP status is then granted, the Plaintiff will be relieved of any remaining liability for the balance of the filing fee. Therefore, if the Plaintiff wishes to pursue the above-entitled case which he filed while he was a prisoner, he must now file a new application for leave to proceed IFP as a nonprisoner: *See, e.g., McGann v. Comm'r, Social Security Admin.*, 96 F.3d 28, 30 (2d Cir. 1996) ("A released prisoner may litigate without further payment of fees upon satisfying the poverty affidavit requirement applicable to all non-prisoners.").

IT IS THEREFORE ORDERED:

1. That the Clerk of Court shall send the Plaintiff the form for requesting leave to proceed IFP;
2. The Plaintiff shall complete the form and return it to the court by, **August 31, 2007**, if he wishes to continue to litigate the above-entitled case;
3. If the Plaintiff does not return the completed IFP application by, **August 31, 2007**, this case will be subject, without further notice, to dismissal, without prejudice, as abandoned;
4. If the Plaintiff does return the new IFP application by, **August 31, 2007**, so as to continue to litigate the above-entitled case, the Plaintiff is reminded to keep the court informed of his current address at all times while this case is pending; failure to do so could result in dismissal; and
5. The Clerk of court is directed to set a pro se case management deadline using the following text: "Review for filing of updated IFP request on August 31, 2007."

DATED this 14th day of August, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge